

Remarks

The Official Action allowed claims 13-23 and rejected claims 1-12 and 24-27. Applicant has amended claims 1, 21, and 24-26. Applicant respectfully requests allowance of the pending claims.

Allowable Claims

Applicant gratefully acknowledges the allowance of claims 13-23 and the indication that claims 1-12 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph. Applicant has amended claim 1 to overcome the rejection of claims 1-12 under 35 U.S.C. 112, 2nd paragraph. Applicant has further amended claim 21 in order to address an antecedent basis issue similar to the antecedent basis issue of claim 1.

Claim Objections

The Official Action objected to the preamble of claim 24. In particular, the Official Action indicated the claim should begin with “method of” and indicate the type of method being disclosed. Applicant respectfully submits that the current preamble of claim 24 is sufficient and that the Applicant is unaware of any statute, regulation, or MPEP section that “requires” the preamble of a method claim have the form proffered by the Official Action. If the Examiner elects to maintain the present objection to claim 24, Applicant respectfully requests the Examiner provide support (e.g. a cite to a statute, regulation, MPEP section) for the proposition that a preamble for method claim “must” have the proffered form. Applicant respectfully requests the present objection be withdrawn.

Claim Rejections - 35 U.S.C. § 112

The Official Action rejected claims 1-12 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Official Action indicated that the limitations, "third and fourth retention points of the actuator portions of the actuation level" in the last line of claim 1 lack sufficient antecedent basis. Applicant has amended claim 1 by replacing "third" and "fourth" with "first" and "second" which have sufficient antecedent basis in claim 1. Applicant respectfully requests the present rejection be withdrawn.

Claim Rejections - 35 U.S.C. § 102 (Yoneyama)

The Official Action rejected claims 24-27 under 35 U.S.C. 102(b) as being anticipated by Yoneyama et al. (U.S. Patent 6,449,154). Applicant has amended claims 24-26. Applicant respectfully requests allowance of claims 24-27 as amended for the reasons below.

As is well-established, in order to successfully assert a *prima facie* case of anticipation, the Official Action must provide a single prior art document that includes every element and limitation of the claim or claims being rejected. Therefore, if even one element or limitation is missing from the cited document, the Official Action has not succeeded in making a *prima facie* case.

Claims 24-27, as amended, require "to cause at least two **hard** tabs attached to the rectangular frame of the spring cage to also engage the heatsink and **prevent the heatsink from moving closer than a predetermined distance toward a circuitboard**

and damaging an IC when the heatsink is placed in contact with the IC." In regard to this limitation, the Official Action appears to equate the spring beam 313 of Yoneyama with the at least two hard tabs of claims 24-27. The beam 313 of Yoneyama has spring-like properties in that it presses against the cooling fans 21 for securely mounting the heat sink 2 in the receiving space 310. (See, col. 3, lines 15-17 of Yoneyama). Accordingly, the beam 313 is not "hard" as required by the at least two hard tabs of claims 24-27.

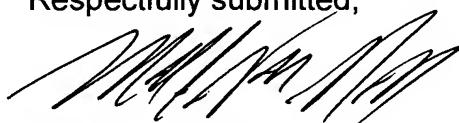
Furthermore, the spring beam 313 does not appear to "prevent the heatsink from moving closer than a predetermined distance toward a circuitboard and damaging an IC when the heatsink is placed in contact with the IC" as required by claims 24-27. While the spring beam 313 may prevent the heat sink 2 from moving laterally in respect to the chip 4, the spring beam 313 does not prevent the heat sink from moving closer to chip 4. Accordingly, Yoneyama does not arrive at the invention of claims 24-27. Applicant respectfully requests the present rejection of claims 24-27 be withdrawn.

Conclusion

The foregoing is submitted as a full and complete response to the Official Action. Applicant submits that all remaining claims are in condition for allowance. Reconsideration is requested, and allowance of all remaining claims is earnestly solicited.

Should it be determined that an additional fee is due under 37 CFR §§1.16 or 1.17, or any excess fee has been received, please charge that fee or credit the amount of overcharge to deposit account #02-2666. If the Examiner believes that there are any informalities which can be corrected by an Examiner's amendment, a telephone call to the undersigned at (503) 439-8778 is respectfully solicited.

Respectfully submitted,



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On: August 23, 2005
Signature RBB 8/23/05
Rachael Brown Date